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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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JOHATHAN O. HAFEN, in his capacity as  
Court-appointed Receiver,

Plaintiff,

v.

PETER W. GUYON, et al.,

Defendant.

MEMORANDUM DECISION AND  
ORDER

Case No. 1-23-cv-00074 TC DBP

District Judge Tena Campbell

Chief Magistrate Judge Dustin B. Pead

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Defendant Peter W. Guyon moves the court for Entry of Default.<sup>1</sup> On October 22, 2024, Mr. Guyon filed an Amended Counterclaim. Based on the parties' stipulation, an answer to the Amended Counterclaim was due on November 15, 2024.<sup>2</sup> Receiving no response by that date, Defendant then moved for an entry of default that was initially filed incorrectly. On November 21, 2024, Mr. Hafen refiled his request. On that same day Plaintiff filed an Answer to the Amended Counterclaim.<sup>3</sup>

The Tenth Circuit has noted that "our legal system strongly prefers to decide cases on their merits."<sup>4</sup> Because of this, the Tenth Circuit has held that the standard for dismissals or default sanctions is rather high basing it upon willfulness, bad faith, or some other fault.<sup>5</sup> Given this strong preference to decide cases on their merits, the court finds no basis to grant

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<sup>1</sup> ECF No. 56.

<sup>2</sup> ECF No. 51.

<sup>3</sup> ECF No. 59.

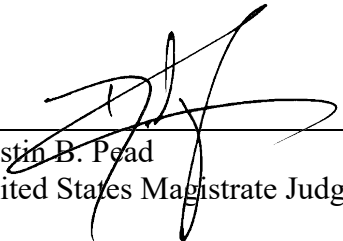
<sup>4</sup> *Lee v. Max Int'l, LLC*, 638 F.3d 1318, 1321 (10th Cir. 2011).

<sup>5</sup> *See id.*

Defendant's Motion for Entry of Default. Plaintiff has filed an Answer to the Amended Counterclaim and this case should proceed in normal fashion.

Accordingly, Defendant's Motion is DENIED.

DATED this 25 November 2024.



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Dustin B. Pead  
United States Magistrate Judge